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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
APR 7 2014
Chief Judge Ruben Castillo
United States District Court

UNITED STATES OF AMERICA, *ex rel.*
ADRIENNE FALK,

Plaintiff,

v.

JOSDAN HOME HEALTH CARE, INC.
D/B/A JCH HOME HEALTH CARE,
DONNARICH HOME HEALTHCARE,
INC., and JOSIE TINIMBANG,

Defendants.

No. 11 C 7859

Chief Judge Castillo

**Filed *In Camera* and
Under Seal**

**NOTICE OF THE UNITED STATES THAT
IT IS NOT INTERVENING AT THIS TIME**

In its last order, dated January 2, 2014, the court indicated that the United States must make its intervention decision on or before April 7, 2014, and that no further extensions of time would be granted. The government's investigation has not been completed and, as such, the United States is not able to decide, as of the court's deadline, whether to proceed with the action. Accordingly, the United States hereby notifies the court that it is not intervening at this time. However, the government's investigation will continue.

Although the United States is not intervening at this time, it respectfully refers the court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relator or the defendants propose that

this action be dismissed, settled, or otherwise discontinued, this court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon it; the United States also requests that orders issued by the court be sent to the government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the government requests that the relator's complaint, this notice, and the attached proposed order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

ZACHARY T. FARDON
United States Attorney

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Dated: April 7, 2014

CERTIFICATE OF SERVICE

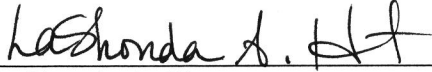
LaShonda A. Hunt hereby certifies that on April 7, 2014, she caused copies of:

NOTICE OF THE UNITED STATES THAT IT IS NOT INTERVENING AT THIS TIME

and **ORDER** to be served via electronic mail to the following:

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LaShonda A. Hunt
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